

CHAPTER 4:

SPECIAL REQUIREMENTS

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Section 4.1 Purpose

The Town of China Grove finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among uses so that they may be located in proximity to one another without adverse affects to either. This Chapter specifies those requirements that must be met by all the uses listed in the uses permitted with Special Requirements section for each District in Chapter 3.

Each use shall be permitted in compliance with all conditions listed for the use in this Chapter. Certain uses are also classified as *Conditional Uses* and require Town Board approval.

Section 4.2 Accessory Dwellings

Accessory dwellings may be located in a building separate from the principal dwelling subject to the following requirements:

- A. The accessory dwelling shall be used as a guest house or a residence for an immediate family member of the owner of the principal dwelling.
- B. The principal dwelling shall be owner occupied.
- C. The accessory dwelling shall not exceed one-half (1/2) of the total area of the principal dwelling.
- D. Accessory dwellings shall meet the setbacks of the principal structure as set forth for the zoning district in which it is located.
- E. Accessory dwellings shall be built to North Carolina Building Standards.

Section 4.3 Accessory Structures (Residential)

- A. Any structure attached to the principal structure shall be subject to all regulations applicable to the principal structure.
- B. Accessory structures shall be constructed in the side or rear yard, except in the Rural Preservation district where the accessory structure is setback a minimum of 150 feet from the street right-of-way.
- C. No accessory structure shall be located closer than three (3) feet from any other building on the same lot.
- D. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles and pump covers may be placed in any yard, and no zoning permit is needed for these structures.
- E. Doghouses up to 15 square feet of total area are permitted in the rear yard. No zoning permit is required if the doghouse is 15 square feet or less in gross floor area.
- F. No accessory structure shall be permitted that involves or requires any external features which are not primarily residential in nature or character.
- G. An accessory structure may not exceed the height of the principal structure.
- H. On any lot one (1) acre or less in area containing a principal residential use, the total area of all accessory structures (excluding outdoor swimming pools) shall not exceed one-half (1/2) the total area of the principal structure.
- I. Satellite dishes do not require a zoning permit and shall be regulated as follows:

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- Satellite dishes shall be no larger than two (2) feet in diameter unless the applicant can demonstrate the need for a larger size.
 - Satellite dishes whose reflective surface is solid shall be painted a subdued or natural color.
- J. Under no circumstances may a vehicle, trailer, or manufactured home be used as an accessory structure.

Section 4.4 Adult Establishments (as a Conditional Use only)

- A. No adult establishment shall be located less than 1,000 ft from a school, church, day care center, civic building, park, lot in residential use, lot with residential districting or other adult establishment. B. All openings shall have an opaque glazing to discourage visibility of the interior.
- C. No exterior signage or building element shall be pornographic in nature or convey any such idea or element.

Section 4.5 Agricultural Uses

- A. Accessory uses/structures and outdoor storage associated with agricultural uses on properties of greater than one (1) acre are permitted subject to the issuance of a zoning permit and are not subject the requirements of Section 4.3. However, they are subject to the accessory structure setbacks for their respective zoning districts.
- B. Existing agricultural uses in the R-S district may continue and expand on the same property. An agricultural use is considered existing if a property has received agricultural property tax status any time within the last five (5) years. New agricultural uses may be established in the R-S Suburban Residential District subject to the issuance of a Conditional Use Permit.

Section 4.6 Animal Services (outdoor kennels)

- A. No outdoor containment of animals shall be located less than 250 feet from any residentially zoned property and 50 feet from any other adjacent property line.
- B. Kennel areas must be surrounded by an opaque fence not less than six (6) feet in height and enclosed as to prevent escape.
- C. Kennels shall be designed to effectively buffer all noise audible to surrounding properties.

Section 4.7 Automotive, Boat, Heavy Equipment, Manufactured Home Sales and/or Service (as a Conditional Use only)

- A. Large surface parking lots & display areas should be visually and functionally segmented into several smaller lots. The size of any single surface parking lot or display area shall be limited to three (3) acres, unless divided by a street, principal building, or an opaque screen/buffer.
- B. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.

Section 4.8 Bars and Nightclubs (as a Conditional Use only)

- A. No bar, nightclub, or dance hall shall be permitted within 100 feet of any one or two family residential dwelling unit, church, or other civic use building.
- B. Music or other amplified sound shall not be audible beyond the property line.

Section 4.9 Bed and Breakfast Inns

- A. Single family homes used as bed and breakfast inns shall have a minimum heated floor area of 1,500 square feet.
- B. The maximum number of guest bedrooms shall be six (6).
- C. The inn shall be operated by a resident manager.
- D. All guest parking shall be to the rear of the home. There shall be one parking space per room of lodging.
- E. The use shall be located in a structure which was originally constructed as a dwelling.
- F. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility.
- G. The use of such a facility by any one patron shall be limited to no more than 15 days per 60 day period.

Section 4.10 Boarding Houses

- A. The maximum number of guest bedrooms shall be six (6).
- B. The boarding house shall be operated by a resident manager.
- C. The use shall be located in a structure which was originally constructed as a dwelling.
- D. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility.

Section 4.11 Cemeteries

- A. Tombstones, crypts, monuments and mausoleums shall be located a minimum of 20 feet from any side or rear lot line and at least 30 feet from a street right-of-way.
- B. Embalming or cremation facilities are only permitted in principal use cemeteries.

Section 4.12 Daycare Centers

- A. Daycares and preschools shall be located on lots which provide ample outdoor play area. A fenced area in the rear yard or side yard a minimum of 2,500 square feet shall be provided. Fences shall be a minimum of six (6) feet in height. Daycares and preschools located adjacent to parks are exempt from this provision.
- B. All play equipment shall be located in the fenced area. Front yards shall not be used as playground areas.

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Section 4.13 Drive-Throughs (as a Conditional Use only)

- A. Drive-throughs shall not front on the primary public street.
- B. Drive-throughs located on the side of a building shall be limited to one lane. Drive-throughs located on the rear of a building may have more than one lane.
- C. Stand alone ATMs may be permitted as accessory uses (i.e. in a shopping center parking lot).
- D. Vehicle storage for drive-throughs shall be located outside of and physically separated from the right-of-way of any street. This area shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way.
- E. Drive-through window facilities shall be screened from off-site view by Type B landscaping.

Section 4.14 Family Campgrounds (as a Conditional Use only)

- A. All spaces for camping and recreational vehicles shall be located at least 100 feet from any adjoining lot line.
- B. Each recreational vehicle parking area shall be connected to an approved water supply system which provides an accessible, adequate, safe and potable supply of water.
- C. An adequate and safe sewer system shall be provided in all recreational vehicle parking areas.
- D. Type A landscaping shall be provided where the use adjoins residentially zoned property.
- E. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided. The service building shall be conveniently located within a radius of 300 feet to spaces which it serves.
- F. The storage, collection and disposal of trash and refuse shall comply with all applicable city, county and state regulations.
- G. No person, recreational vehicle, or tent may occupy the campground for a period in excess of 30 days. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

Section 4.15 Family Care Homes

In accordance with NC General Statute Chapters 122C, 131D, and 168.

This section applies to adult care homes, child or adolescent care homes, family care homes, group homes, halfway houses, mental health care homes, and residential care homes. These uses are deemed residential uses and are permitted in all residential districts subject to the following conditions:

- A. No more than six (6) residents other than the homeowner and the homeowner's immediate family are permitted to live in a Family Care Home.
- B. A Family Care Home must be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.
- C. No Family Care Home may be located within a one-half (1/2) mile radius of any other residential care home.
- D. No exterior signage is permitted.
- E. No lockdown, violent, or dangerous residents.

- F. Only incidental and occasional medical care may be provided.

Section 4.16 Home Occupations

Customary home occupations may be established in any principal dwelling unit or in an accessory building. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling unit is located:

- A. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
- B. No outside storage of materials or equipment shall be allowed in connection with the home occupation.
- C. Use of the dwelling for the home occupation shall be limited to 25 percent of the heated finished area of the principal residential structure. Any portion of a garage or basement may also be devoted to the home occupation.
- D. Residents of the dwelling plus a maximum of one (1) non-resident may be engaged in the customary home occupation or otherwise report to work at the dwelling.
- E. No display of products shall be visible from any adjoining streets or properties. Sales of products are limited to those made or reconditioned on the premises and those which are necessary to the service being provided.
- F. No external alterations inconsistent with the residential use of the dwelling shall be permitted.
- G. Only vehicles used primarily as passenger vehicles (e.g., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.
- H. Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling unit or accessory building shall be prohibited.
- I. Customary home occupations may be in operation at any time between the hours of 8:00 A.M. and 9:00 P.M.

Section 4.17 Manufactured Homes (on individual lots)

- A. Manufactured homes that are on individual lots not within a Manufactured Home Park shall be multisectional. Single-wide manufactured homes shall not be permitted on individual lots.
- B. The manufactured home shall be less than 10 years old and conform to the construction standards of the United States Department of Housing and Urban Development (HUD) and bear the HUD tag and/or data plate.
- C. The manufactured home shall have the towing apparatus, wheels, axles, and transporting lights removed.
- D. The Manufactured Home shall be set up in accordance with the standards established by the North Carolina Department of Insurance.
- E. A continuous masonry foundation shall be installed under the perimeter, unpierced except for required ventilation and access.
- F. A permanent front porch of at least 32 square feet in area shall be constructed within 12 inches of the floor elevation and be fully underpinned to completely conceal area beneath porch and unit. All secondary entrances and exits to the Manufactured Home shall also have concrete steps or similar approved steps.

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G. The front of the manufactured home shall be parallel to the front property line, except on corner lots.

Section 4.18 Manufactured Home Parks (as a Conditional Use only)

This section sets forth the standards required for all new Manufactured Home Parks and expansions of existing Manufactured Home Parks.

- A. Minimum site area in acres: 5
- B. Minimum number of Manufactured Home Spaces: 5
- C. Maximum number of Manufactured Home Spaces per acre: 8
- D. Minimum Lot and/or parcel width for site at front Building Line in linear feet: 100
- E. Maximum density: 5 units per acre
- F. Minimum Manufactured Home Space width: 60 feet
- G. Maximum number of Manufactured Homes per Manufactured Home Space: 1
- H. Minimum number of Parking Spaces per Manufactured Home Space (located on each space): 2
- I. Minimum number of landings/patios per Manufactured Home Space (located on each space): 1
- J. Minimum area of porch/entrance landing per Manufactured Home Space (sq. ft.): 32
- K. Hard surface walk required to connect each porch/entrance landing to Parking Space (minimum three (3) ft. width: Yes
- L. Street paving required in conformance with DOT standards for Minor Street: Yes
- M. Maximum slope permitted on site: 3:1
- N. Maximum number of driveways connecting to Streets (other than Private Street): 0
- O. Maximum number of Private Street connections to Street per Manufactured Home Park: 2
- P. Minimum distance between Private Street connections to Street (linear ft.): 150
- Q. Maximum length of dead end and/or cul-de-sac Private Street (linear ft.): 800
- R. Minimum turning circle (paved) diameter at end of each dead end and/or cul-de-sac Private Street (linear ft.): 70
- S. Manufactured Home Park identification Sign conforming to Article X required: Yes
- T. Minimum separation between entrance/exit point of Private Street to Street and nearest Street intersection (linear ft.): 150
- U. Street light required at all Private Street intersections: Yes
- V. Water supply and sewage disposal facilities required: Yes
- W. Private Street names required (subject to approval): Yes
- X. Maximum number of Manufactured Home Spaces with vehicular access from one-way Private Streets: 20
- Y. Garbage collection and disposal by owner/operator in accordance with applicable codes required: Yes
- Z. Heating oil and/or LP gas tanks with foundation permitted: Yes
- AA. Minimum capacity of heating fuel tanks (gallons): 150
- BB. Wood burning heat sources permitted: Yes
- CC. Screening of fire wood required (no minimum height): Yes
- DD. Minimum separation between each unit (linear ft.): 30
- EE. Vehicle Speed Control devices required: Yes
- FF. Number of accessory buildings per Manufactured Home space: 1
- GG. All Manufactured Homes meet HUD construction standards and bear HUD tag and/or data plate : Yes
- HH. Towing apparatus removed from all Manufactured Homes: Yes

- II. Skirting shall be of material acceptable for exterior construction that will not support combustion. Skirting material shall be durable and suitable for exterior exposures. Any wood framing used to support this skirting shall be approved moisture resistant treated wood. Skirting shall be continuous and unpierced except for ventilation. Skirting manufactured specifically for underpinning shall be installed in accordance with the manufacturer's specifications. Skirting shall be kept in good repair.

Section 4.19 Mixed Residential Developments

- A. A mixed residential development shall be a minimum of three (3) acres.
- B. Housing types provided shall fall into the minimum and maximum percentage range below:
- Single-family residential detached: 50-90 percent of total units
 - Two-family and/or Multi-family residential: 10-50 percent of total units
- Any proposal for a mixed residential development that falls outside of the percentage ranges shown above shall require a Conditional Use Permit.
- C. The overall maximum density is 15 units per acre and minimum dimensional requirements shall meet the dimensional requirements set forth for the zoning district.

Section 4.20 Outdoor Storage (non-residential) (as a Conditional Use only)

- A. All outdoor storage shall be located in the rear yard only.
- B. All outdoor storage shall be screened from view of the street with an opaque screen.

Section 4.21 Parking of Recreational and Commercial Vehicles

- A. For purposes of this Ordinance, a recreational vehicle shall not be deemed a dwelling unit and the usage of a recreation vehicle for living, sleeping or housekeeping purposes and the connection of such vehicle to utility services (other than for periodic maintenance and/or repair purposes) shall be prohibited unless the vehicle is located in a camping and recreational vehicle park so designed to accommodate recreation vehicles.
- B. No residentially-developed lot may be used as the base of operation for any freight hauling truck.

Section 4.22 Produce Stands (permanent)

- A. A permanent produce stand shall be allowed as an accessory use to an agricultural use only. All produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located. All other produce stands shall be considered temporary uses and shall follow the special requirements for temporary uses.
- B. A produce stand shall not be located in a street right-of-way.
- C. A produce stand shall not be located closer than 10 feet to any side lot line unless a greater setback is required for the zoning district in which it is located.
- D. Signs for a produce stand shall not be illuminated, nor have flashing lights, nor shall they exceed four

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- (4) square feet in area. Off-premises signs are not permitted.
- E. During the times of the year in which the produce stand is not in operation, the stand shall be properly closed up and maintained.

Section 4.23 Rural Family Occupations

- A. Minimum site size - 2 acres
- B. The rural family occupation shall be incidental to the use of the property for a principal dwelling.
- C. The occupation activity may take place either in the principal dwelling or a separate building(s).
- D. The operator of the rural family occupation must reside on the property. No more than three (3) persons who do not reside on the premises shall be employed at the occupation.
- E. If a separate building(s) is used in the occupation it must meet the accessory structure standards in Section 4.3.
- F. If located in a separate structure from the principal dwelling, then the structure shall meet the principal structure setbacks for the zoning district.
- G. Rural family occupations shall be limited to the non-residential uses permitted in the N-C and O-I districts.

Section 4.24 Temporary Uses

Temporary structures and uses, when in compliance with all applicable provisions of this Ordinance, and all other ordinances of the Town of China Grove, shall be allowed. The following temporary structures and uses shall be permitted:

- A. Construction trailers used in conjunction with construction projects provided that the following conditions are met:
- Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed.
 - All construction trailers shall be located at least 10 feet off any street right-of-way and not be placed in any required rear or side yard setback.
 - In addition to construction trailers, at any construction site for a construction project valued at one million dollars or more, one or more security guard houses may be installed. Use of such structures may include overnight stay provided adequate sanitary facilities are provided and the same conditions for construction trailers are met.
- B. Structures, whether temporary or permanent, located in a subdivision containing 25 or more lots, and used as sales offices for the subdivision development are permitted. Any temporary structure used as a sales office shall be located on a lot which is in compliance with the regulations of this Ordinance and shall meet all yard requirements for the applicable zoning district. At least five (5) off-street parking spaces shall be provided on the lot to accommodate persons using the sales office. If a permanent residential structure is used as the sales office, future use of said structure shall be for

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residential purposes. A trailer may be used as a temporary sales office, provided that the following conditions are met:

- The trailer shall be provided with underpinning, from the bottom of the walls to the ground, made of masonry, vinyl, pre-painted aluminum material, or other similar material.
- Landscaping shall be provided to create an aesthetically
- pleasing appearance.

At the completion of the sales in a tract, or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the Zoning Administrator determines that substantial progress is being made in the selling and/or marketing of the lots and/or homes in the subdivision. In such case, one or more extensions (each not to exceed one year in duration) may be so authorized by the Zoning Administrator. If a temporary structure is used as the sales office, it shall be removed after its use as a sales office is terminated. Immediately after the structure is removed, the lot shall be returned to a natural state. Any paved or graveled driveway and/or parking area associated with the sales office shall also be removed. All bare soil areas on the lot shall be returned to a natural vegetative state (reseeded or sodded) immediately after removal of the sales office and driveway/parking area.

- C. Manufactured homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied, single-family dwelling being destroyed (i.e., it receives damage greater than 60 percent of its tax value as indicated on the most current tax listings). In this instance a manufactured home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. If a manufactured home is used for such an occurrence, it is subject to the following conditions:

- Such manufactured home shall not be placed in the front yard and shall be located no closer than 15 feet to another principal residential structure on another lot and no closer than 10 feet to any lot line.
- The Zoning Administrator shall be given the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of up to nine (9) months. Such permit may be renewed on a one-time only basis [for a period of no greater than nine (9) months] by the Board of Adjustment if it is determined that:
 - Construction of a new dwelling unit is proceeding in a diligent manner; and,
 - The granting of such permit will not materially endanger the public, health, welfare or safety; and,
 - The location of the manufactured home on the site does not have a negative effect on abutting properties.

- D. Certain uses of a temporary nature may be permitted. Upon completion and submittal of an Temporary Use Permit application, the Zoning Administrator may grant a zoning permit for the following temporary uses:

- Christmas Trees Sales & similar temporary retail sales
- Produce Stands (temporary)
- Civic organization events
- Public school mobile units

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E. Temporary Uses are subject to the following conditions:

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Truck trailers and flat beds are not permitted except for short-term delivery services.

Temporary uses shall be permitted for a maximum of 45 days. An extension may be granted for an additional seven (7) days upon application.

- Produce Stands may be permitted for a maximum of six (6) months but may be re-permitted upon submission of a new application.
- Temporary uses shall present proof of property owner approval prior to the issuance of a permit.
- The proposed use will not materially endanger the public, health, welfare and safety. The
- proposed use will not have a substantial negative effect on adjoining properties.

Section 4.25 Two Family Attached Dwellings (Duplexes)

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- A. Developments consisting only of duplexes are not permitted on lots greater than three (3) acres.
 - B. Duplex developments must be visually compatible with the surrounding neighborhood.
 - C. Duplexes on corner lots shall be designed in a way that each unit fronts on a different street.

Section 4.26 Wireless Telecommunications Towers (as a Conditional Use only)

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- A. Wireless communications facilities attached to existing or proposed structures such as water towers, transmission towers, church steeples, streetlights, bell towers, or similar structures do not require a Conditional Use Permit.
 - B. The maximum height shall be 150 feet.
 - C. Towers shall be setback a distance equal to the total height measured from grade elevation from all adjoining properties.
 - D. All ground structures shall be screened with an opaque screen of landscaping, fence or wall, or any combination thereof.
 - E. All wireless communications towers shall be constructed using a monopole design.
 - F. Towers shall meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

Section 4.27 Yard Sales

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- A. Yard, garage, tag, patio and apartment sales are permitted without a permit, as an accessory use on any residentially, institutionally or commercially developed lot in any district.
 - B. Such sales on shall be limited to no more than three (3) days per calendar month on the same lot.
 - C. Yard sales are permitted only with the property owner's permission.
 - D. One (1) on-premise and three (3) off-premises yard sale signs per yard sale are permitted. No zoning permit is required for such signs. All such signs shall be removed within twenty-four hours after the yard sale has been terminated. No such sign shall be greater than four (4) square feet in area. All such signs shall be located off the street right-of-way and shall not be attached to utility poles or street signs.

Section 4.28 Mini-Warehouses

- A. Mini-warehouses in HB (Highway Business) zoning districts must be located behind the principle building
- B. Mini-warehousing must be a secondary use on the property,
- C. Visibility of the mini-warehousing facility from the road must not exceed 25 feet in width.

Section 4.29 Residential Fences

- A. Solid (Privacy) Fences:
 - Must be no taller than six (6) feet and six (6) inches (6 ½ feet tall)
 - Have the supporting posts on the inside (facing the fence owner's property)
 - Must be located on the Owners side of the property line
 - Must not extend beyond the front façade of any residence
- B. Non-Solid Fences:
 - Shall be no taller than six (6) feet
 - Located in the side and rear yards
 - Have supporting posts on the inside of fence
- C. Fences located in the front yard must be no more than four (4) feet tall and must not block visibility. Fence must have a minimum of 50% open spaces.

Section 4.30 Electronic gaming operations (as a Conditional Use only)

- A. No electronic gaming establishment shall be permitted within 100 feet of any one or two family residential dwelling unit, church or other civic use building.
- B. No electronic gaming establishment shall be permitted within 500 feet of another electronic gaming establishment.
- C. The maximum number of gaming computers, stations, machines and/or terminals within an electronic gaming establishment is twenty (20).
- D. All electronic gaming computers, stations, machines and/or terminals shall be visible from the main entrance of the establishment.
- E. At least one (1) parking space shall be designated for each on-duty employee and every two (2) electronic gaming computers, stations, machines and/or terminals. Designated parking spaces shall not include parking spaces allocated to other businesses within a combined development.